

ARIZONA TRIBAL ENERGY ASSOCIATION

Via Facsimile to (202)208-4564

January 20, 2006

ATTN: Section 1813 ROW Study
Office of Indian Energy and Economic Development
1849 C. Street, N.W.
Mail Stop 2749-MIB
Washington, DC 20240

**Re: Comments of the Arizona Tribal Energy Association on the Section 1813
Energy Rights-of-Way Study**

To Whom It May Concern:

The newly formed Arizona Tribal Energy Association (ATEA) respectfully provides the following comments on the Section 1813 work plan:

1. Pre-scoping Discussions

The ATEA requests that it be allowed to have a representative participate in the working groups that are formed for the Section 1813 tasks. The ATEA includes the Navajo Tribal Utility Authority, Gila River Indian Community Utility Authority, Ak-Chin Energy Services, Tohono O'odham Utility Authority and the White Mountain Apache Tribe. As such, the ATEA includes a broad array of Indian energy and utility interests.

2. Historic Data Collection

(a) The ATEA notes that Section 1813(b)(1) of the Energy Policy Act of 2005 provides for "an analysis of historic rates of compensation paid for *energy rights-of-way* on tribal land" [*italics added*]. As such, all energy rights-of-way categories should be included in the study scope, not just pipelines. Grants made in relation to energy facility siting should also be included in the study scope.

In addition, the study must include consideration of both tribal and allotted lands; omission of allotted lands will generate confusion and ultimately necessitate additional effort after the study process has concluded.

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(b) The ATEA also notes that right-of-way pricing data collected needs to reflect all aspects of the pricing paid, including all value given for the right-of-way at the time it was granted.

Furthermore, the study must also incorporate current market pricing so that pricing data collected can be compared with the most up-to-date market conditions.

Finally, perpetual rights-of-way need to be reviewed for comparison to current market conditions.

(c) All data collected for the study should remain confidential to the tribes to which it relates unless such data is not confidential in nature or the affected tribe has no objection to its release.

3. Two-Day Scoping Meeting

Again, the ATEA respectfully requests that it be allowed to directly participate in any scoping meetings organized as well as the working groups formed from those meetings.

4. Workshops with Working Groups

The ATEA supports the process of conducting workshops, as long as a broad array of tribal representatives are allowed to participate.

5. Draft Report


The ATEA comments that the draft report should be presented far enough in advance of the August 7 Congressional deadline to allow for meaningful review and comment.

6. Regional Consultation Meetings

The ATEA requests that consultation meetings be held sufficiently in advance of the August 7 deadline to allow for meaningful comment and dialogue, as well as adequate consideration by DOE and DOI of the input offered at those meetings.

In summary, ATEA submits the above noted comments. In addition, ATEA generally supports comments submitted by CERT/NCAI and SRPMIC.

Sincerely,



Leonard S. Gold, Ak-Chin Energy Services for
Arizona Tribal Energy Association

cc: William Pezalla, Gila River Indian Community Utility Authority
Kenneth Craig, Navajo Tribal Utility Authority
Charles Wiese, Tohono O'odham Utility Authority
Lafe Altaha, White Mountain Apache Tribe
Amy Mignella, White Mountain Apache Tribe